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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

JAMES METCALF

VS

WARDEN, LA STATE PENITENTIARY

CIVIL NO. 3:05V1165
JUDGE JAMES
MAG. JUDGE KIRK

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas action, and, considering the record in this case, the requirements of 28 U.S.C. §2253, and the Supreme Court's decision in *Slack v. McDaniel*, 529 U. S. 473, 478 (2000), the court hereby finds that:

The certificate of appealability is DENIED because the applicant has failed to show that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.

MONROE, LOUISIANA, this 6 day of January, 2006



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE